

Atty Dkt. No. 065640-0210

Application No. 10/632,805

**REMARKS**

Applicants thank the Examiner for the detailed Office Action dated February 7, 2005. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-2, 4, 6-7, 9-11, 16-26, 44-46, 49, 78, 80, 92-93, 95-97, and 99-165 were pending in the application.

Claim 2 is requested to be cancelled without prejudice or disclaimer.

Claims 1, 44, 78, 92, 99, 114, 132, 134, 140, 143, and 154 are currently being amended.

Claims 166-179 are being added.

After amending the claims as set forth above, claims 1, 4, 6-7, 9-11, 16-26, 44-46, 49, 78, 80, 92-93, 95-97, and 99-179 are now pending in this application.

**Interview Summary**

On June 28, 2005, Applicants' undersigned representative spoke with Examiner Robert Hopkins about the "final" status of the June 9, 2005 Office Action and about the rejection of the claims in view of U.S. Patent No. 3,854,912 to Terrel et al. Applicants thank Examiner Hopkins for this courtesy. Specifically, Applicants argued that the office action should not be designated as being final because Applicants' amendments did not necessitate the new grounds for rejection. However, agreement was not reached on this issue.

Regarding the rejection of the claims in view of Terrel et al., Applicants proposed overcoming this rejection by amending the claims to recite that the particles include at least one of an oxide ceramic material or a metal or to distinguish the grease collector 20 in Terrel et al. by reciting generally that the particles are held, enclosed, or maintained in a rigid enclosure which is independent from the other filters (the language of each particular claim should be consulted and

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is considered to control regardless of the previous statement). The Examiner agreed that it appeared that these amendments would not necessitate a new search and would render the claims allowable over the cited references.

**Entry of this Amendment under 37 C.F.R. § 1.116**

Applicants respectfully request entry of the amendments contained herein pursuant to 37 C.F.R. § 1.116. Applicants submit that the amendments provided herein were not submitted before because the references cited in the Office Action, dated June 9, 2005, were not cited previously by the Examiner and were not listed by Applicants on an information disclosure statement. Accordingly, Applicants respectfully request entry of this amendment.

**Claim Rejections – 35 U.S.C. § 102**

In the Office Action, claims 1, 2, 6-7, 9-11, 16-26, 44-46, 49, 78, 80, 92-93, 95, 97, 99, 100, 102-112, 114, 115-124, 126-135, 137-155, 157-165 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 3,854,912 (Terrel et al.). Applicants traverse the rejections. Terrel et al. does not disclose the identical subject matter as recited in the rejected claims.

Applicants note that of the rejected claims, claims 1, 44, 78, 92, 99, 132, 143, and 154 are in independent format. The remainder of the rejected claims depend from one of these independent claims.

Terrel et al. does not disclose the combination of elements recited in independent claims 1, 44, 78, 92, 99, 132, 143, and 154, as amended. For example, independent claim 1, as amended, recites a "separation cartridge" including, *intra alia*, a "packed bed of porous inorganic particles," where "the particles include at least one of an oxide ceramic material or a metal," which is not identically disclosed in Terrel et al. Rather, Terrel et al. discloses the use of "charcoal granules." Terrel et al., col. 2, lines 32-37. Applicants note that support for the

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amendment to claim 1 can be found in U.S. Patent No. 6,814,783 at col. 4, lines 28-41, which is incorporated by reference into this application (see paragraph [0001]).

Also, independent claim 44, as amended, recites a "separation cartridge" including, *intra alia*, a "plurality of physically separate filters" where "at least one of the filters includes a packed bed of particles, the particles including at least one of an oxide ceramic material or a metal," which is not identically disclosed in Terrel et al. Rather, Terrel et al. discloses the use of "charcoal granules." Terrel et al., col. 2, lines 32-37.

Also, independent claim 78, as amended, recites a "separation system" including, *intra alia*, a "cartridge" having a "plurality of separation mediums including a bed of particles, the particles being held by a rigid enclosure which is independent of at least one of the remainder of the plurality of separation mediums," which is not identically disclosed in Terrel et al. Rather, as explained previously, Terrel et al. discloses the use of the grease collector 20 as the enclosure for the charcoal granules or the use of a non-rigid bag to enclose the particles. Terrel et al., col. 3, lines 14-19; col. 4, line 54 to col. 5 line 2.

Also, independent claim 92, as amended, recites a "separation cartridge" including, *intra alia*, a "first means for separating an entrained oleo substance from a gas stream in a kitchen hood using a baffle filter" and a "second means for separating an entrained oleo substance from a gas stream in a kitchen hood using a packed bed of particles, the particles being enclosed in a rigid enclosure which is separate from the baffle filter of the first means," which is not identically disclosed in Terrel et al. Rather, as explained previously, Terrel et al. discloses the use of the grease collector 20 as the enclosure for the charcoal granules or the use of a non-rigid bag to enclose the particles. Terrel et al., col. 3, lines 14-19; col. 4, line 54 to col. 5 line 2.

Also, independent claim 99, as amended, recites a "separation cartridge" including, *intra alia*, a "baffle filter" and a "second filter having a rigid enclosure that encloses a plurality of particles to form a bed of particles, the second filter being independent of the baffle filter," which is not identically disclosed in Terrel et al. Rather, as explained previously, Terrel et al. discloses

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the use of the grease collector 20 as the enclosure for the charcoal granules or the use of a non-rigid bag to enclose the particles. Terrel et al., col. 3, lines 14-19; col. 4, line 54 to col. 5 line 2.

Also, independent claim 132, as amended, recites a "system" including, *intra alia*, a "kitchen hood" and a "cartridge that includes at least two filters, the filters comprising a first filter including a bed of particles and at least one additional filter, the bed of particles including a rigid enclosure that holds the particles and is independent of the first filter," which is not identically disclosed in Terrel et al. Rather, as explained previously, Terrel et al. discloses the use of the grease collector 20 as the enclosure for the charcoal granules or the use of a non-rigid bag to enclose the particles. Terrel et al., col. 3, lines 14-19; col. 4, line 54 to col. 5 line 2.

Furthermore, independent claim 143, as amended, recites a "system" including, *intra alia*, a "kitchen hood," a "baffle filter," and a "bed of particles" where "the particles in the bed of particles being held in a rigid enclosure which is independent of the baffle filter," which is not identically disclosed in Terrel et al. Rather, as explained previously, Terrel et al. discloses the use of the grease collector 20 as the enclosure for the charcoal granules or the use of a non-rigid bag to enclose the particles. Terrel et al., col. 3, lines 14-19; col. 4, line 54 to col. 5 line 2.

Still further, independent claim 154, as amended, recites a "separation cartridge" including, *intra alia*, a "baffle filter" and a "bed of particles" where "the particles in the bed of particles being enclosed in a rigid enclosure which is independent of the baffle filter," which is not identically disclosed in Terrel et al. Rather, as explained previously, Terrel et al. discloses the use of the grease collector 20 as the enclosure for the charcoal granules or the use of a non-rigid bag to enclose the particles. Terrel et al., col. 3, lines 14-19; col. 4, line 54 to col. 5 line 2.

The subject matter recited in the claims which depend from independent claims 1, 44, 78, 92, 99, 132, 143, and 154, considered as a whole, are also patentable for at least the same reasons that independent claims 1, 44, 78, 92, 99, 132, 143, and 154 are patentable. Accordingly, the Applicants request withdrawal of the rejection of independent claims 1, 44, 78, 92, 99, 132, 143, and 154 and the claims which depend therefrom under 35 U.S.C. § 102(b).

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In the Office Action, claim 44 was rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,022,901 (Meunier). Applicants traverse the rejections. Meunier does not disclose the identical subject matter as recited in the rejected claims.

Meunier does not disclose the combination of elements recited in independent claim 44, as amended. For example, independent claim 44, as amended, recites a "separation cartridge" including, *intra alia*, a "plurality of physically separate filters" where "at least one of the filters includes a packed bed of particles, the particles including at least one of an oxide ceramic material or a metal," which is not identically disclosed in Meunier. Meunier discloses a canister such as those used in gas masks for protection against toxic agents having a bed of activated charcoal. Meunier, col. 1, lines 4-6 and col. 2, lines 35-39.

Accordingly, Applicants respectfully request that the rejection of claim 44 be withdrawn.

#### New Claims

Applicants have added new dependent claims 166-179. Applicants submit that these claims are allowable for at least the same reasons that the independent claims from which they depend are allowable. Support for new claims 169-171 can be found in U.S. Patent No. 6,814,783 at col. 4, lines 34-41 and col. 5, lines 40-45, which is incorporated by reference into this patent application (see paragraph [0001]).

#### Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 4, 96, 101, 113, 125, 136, and 156 contain allowable subject matter.

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Applicants respectfully submit that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. Applicants request reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

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